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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Certified Mail - Return Receipt Requested

March 15, 2019

Mr. Tom French
French Brothers Inc
1010 Zuni Drive
Alamogordo, NM 88310

Re: **French Brothers Inc/Sonoma Ranch East Phase 9; CGP; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES #NMU001984; February 13, 2019**

Dear Mr. French:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Mike Kesler, NMED District III by e-mail
Jakob Kidd, City of Las Cruces by email
Rudy Chanez, French Brothers by email



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 0 0 1 9 8 4 11 12 <input type="text" value="1"/> <input type="text" value="9"/> 0 2 1 3 17 18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>					
Remarks					
<input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value=">"/> <input type="text" value="5"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="S"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	70 <input type="text" value="3"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	74 75 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 2-13-19 8:30am	Permit Effective Date 2/16/2017
Sonoma Ranch East Phase 9, Near Azure Hills and Prado del Sol Las Cruces, NM 88011	Exit Time/Date 2-13-19 5:00 pm	Permit Expiration Date 2/16/2022
Dona Ana County		
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) None.	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Tom French/Owner French Brothers Inc 1010 Zuni Drive Alamogordo, NM 88310	Contacted Yes <input type="text" value=""/> No <input checked="" type="text" value="x"/>	SIC 1521 General Contractors-Single Family Houses 32.3574°N, 106.7202°E

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Inspector arrived on site at 02/13/2019 at approximately 8:30 am, the inspector contacted Mr. Elias Nieto, French Brothers Site superintendent by phone at 12:45pm. An onsite meeting could not be arranged for that day, the purpose of the inspection and preliminary findings were discussed by phone.
- See attached report for further explanations.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote /s/ Jennifer Foote	NMED/SWQB 505-827-0596	3-6-19
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Sarah Holcomb, Program Manager /s/ Sarah Holcomb	NMED/SWQB 505-827-2798	3-13-19

**French Brothers Inc
Sonoma Ranch East Phase 9
Compliance Evaluation Inspection
February 13, 2019
NPDES Permit No. NMU0001984
Further Explanations**

Introduction:

On February 13, 2019, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB), accompanied by Jacob Kidd and Peter Bennett, both of City of Las Cruces, at the Sonoma Ranch East Phase 9 Project. This inspection was in response to a complaint and the purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) Stormwater Construction General Permit (CGP). Storm water from this site discharges into the Las Cruces MS4. This site discharges stormwater to South Fork Las Cruces Arroyo and thence to Rio Grande in Segment 20.6.4.101 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC).

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

Observations Summary:

The project is the construction of residential homes in Las Cruces NM. There are multiple phases and builders in the general area. Sonoma Ranch LLC (NMR1000NV) and Caliper Construction (NMR1000NX) previously had permit coverage for this area under the 2017 CGP. French Brothers Inc, a current owner/operator of several individual lots within the greater plan of development has not applied for permit coverage as of the date of the inspection. The previous SWPPP prepared for the project area did not include information on how NPDES permit responsibility would be transferred to developers.

Two signs were found windblown in an arroyo to the north of the site (photo 1). There are signs of concrete and stucco washout directly on the ground on lots with a French Brothers sign (photo 2). In general, the practice in the area for BMPs is a 6 month tackifier application and a berm around the lot. Several berms on lots with French Brothers signs had not been maintained and had eroded through, allowing runoff to leave the home sites.

Inspection Findings:

Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b)(14)(x), as follows: "Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance

of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more."

In addition, beginning on March 10, 2003, storm water discharges associated with small construction activity became regulated according to 40 CFR Part 122.26(b)(15)(i) for "[c]onstruction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre and less than five acres."

40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states "Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."

According to the facility's representative and based on a review of the EPA storm water permit database, it has been determined that this owner/operator did not have NPDES construction general storm water permit coverage on the date of this inspection.

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 8:57 am
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Sonoma Ranch East Phase 9		
Subject: Windblown debris in drainage channel to north of site		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 4:48pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Sonoma Ranch East Phase 9		
Subject: unmaintained berm with sediment in the gutter		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 4:48 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Sonoma Ranch East Phase 9		
Subject: construction entrance with concrete washout in the distance		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 4:51 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Sonoma Ranch East Phase 9		
Subject: Eroded berm with concrete washout, unmaintained silt fence on adjacent lot		

